

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

Robert Purbeck

Criminal Action No.

3:21-cr-0004-TCB-RGV

Consent Motion for a Protective Order

The United States of America, by Kurt R. Erskine, Acting United States Attorney for the Northern District of Georgia, and Michael Herskowitz and Nathan Kitchens, Assistant United States Attorneys, hereby moves pursuant to Fed. R. Crim P. 16(d) for a protective order that limits the Defendant's use and dissemination of certain information provided in discovery to that which is reasonably necessary to prepare his defense in this criminal case.

In support of this motion, the Government states that the discovery material in this case is voluminous and includes records and documents that contain names, addresses, social security numbers, phone numbers, and other sensitive personally identifying health and financial information (hereafter "confidential personal information") of alleged victims and third parties.

The Government submits that protective measures are necessary to guard against dissemination of confidential personal information. A protective order is

the most reasonable way of balancing the Defendant's need for access to these materials with the rights of the Defendant and individuals whose information may be reflected in this discovery.

The Government requests an order providing that any discovery materials containing confidential personal information pertaining to individuals who are not parties to the litigation that are provided by the Government in this case to defense counsel shall not be left with the Defendant or further disseminated by defense counsel to any individuals, organizations, or other entities, other than: (1) members of any defense team (co-counsel, paralegals, investigators, litigation support personnel and secretarial staff); (2) any experts or consultants retained to assist in the preparation of his defense; and (3) the Court, unless the confidential personal information identified herein is redacted from such materials. The proposed order would permit defense counsel and investigators to display copies of such records to any potential witnesses if it is determined that it is necessary to do so for the purpose of preparing the defense of the criminal case. The order would also permit defense counsel to display the materials to the Defendant either in person or via a virtual share-screen function.

The Government further requests that all such discovery is to be provided and used by counsel solely in this criminal case and for the purpose of allowing

the Defendant to prepare his defense, and that Defendant, defense counsel, or members of the defense team will not disseminate, disclose, or provide the discovery produced by the United States to anyone who is not necessary to the preparation of the defense in this criminal case. Upon any dissemination of the materials and information containing sensitive information identified herein to anyone other than the Court, defense counsel will inform the recipient of this protective order and the requirement to maintain the confidentiality of the information conveyed. The proposed order provides that it shall survive the final termination of this action, and that upon termination of this action and of any appeal, counsel for that the Defendant shall return all copies of the discovery to the Government, or shall certify that said documents have been destroyed.

This motion and the proposed order solely seek to address the Defendant's and defense team's use of documents produced in this action by the United States, including documents that they might already possess prior to receiving discovery, or might obtain through other means.

Conclusion

For the reasons stated above, the Government respectfully requests that the Court enter the attached proposed protective order. The Defendant's counsel, Andrew Hall, consents to this motion and proposed order.

Respectfully submitted,

KURT R. ERSKINE

Acting United States Attorney

Michael Herskowitz

/s/MICHAEL HERSKOWITZ

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Certificate of Service

I served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

March 26, 2021.

/s/ MICHAEL HERSKOWITZ

MICHAEL HERSKOWITZ

Assistant United States Attorney